

## Rule 83.1. Admission of Attorneys.

### (a) Admission of Attorneys.

(1) **Qualifications.** Subject to subsection (2), the following attorneys, whose professional character is good, may be admitted to practice in this court:

- (A) any attorney of the Bar of the State of Vermont; or
- (B) any attorney of the Bar of a federal district court in the First and Second Circuits.

(2) **Procedure.** An applicant who meets the qualifications above must comply with the following procedure:

(A) **Application.** An attorney seeking admission to the Bar of this court must file with the clerk of this court a written application for admission in the form prescribed by the judges of this court. A certificate of good standing from ~~all of the bars~~ **the bar in the state in which the applicant has his/her primary office in which the applicant is admitted** must be included with the application.

(B) **Supporting Affidavit.** The application must also be accompanied by an affidavit setting forth the following information:

- (i) the applicant's residence and office address, office telephone number, fax number, and email address;
- (ii) a list of courts to which the applicant has been admitted to practice **and a statement that the applicant is in good standing in all such courts;**
- (iii) the applicant's legal training and experience at the bar;
- (iv) the applicant's representation that he or she has fully reviewed and is familiar with the Federal Rules of Civil and Criminal Procedure, the Local Rules of The United States District Court for the District of Vermont, and the Vermont Rules of Professional Conduct;
- (v) the applicant has never been convicted of any crimes or violations, other than minor traffic infractions not involving damage to persons or property;
- (vi) the applicant has no prior or pending disciplinary complaint(s) as to which a finding has been made that the complaint(s) should proceed to a hearing; and
- (vii) the applicant has not been denied admission to, been disciplined by, resigned from, surrendered his licence to practice before, or withdrawn an application for admission to practice while facing a disciplinary complaint before, this court or any other court.

If the applicant cannot so state as to (B)(v), (vi) and (vii), then the applicant must describe in full the circumstances of any conviction, complaint, denial, discipline, resignation, surrender, or withdrawal, including the reasons therefor. The applicant must also describe any penalty, sanction, or other discipline imposed, whether the discipline was satisfied, and whether the attorney is currently in good standing in the relevant jurisdiction(s). The judges of this district or their designee shall make an inquiry as they deem appropriate. It shall take a majority vote of the judges to admit the applicant to this Bar. For the purpose of this Rule, "minor traffic infractions"

will mean motor vehicle violations which are neither felonies nor misdemeanors.

**(C) Sponsoring Attorney.** The application and affidavit of the applicant must be accompanied by an affidavit of a sponsoring member of the Bar of this court. The sponsoring attorney's affidavit must attest:

- (i) where and when the sponsor was admitted to practice in this court;
- (ii) that the sponsor has known the applicant in a professional legal capacity for at least six months;
- (iii) that the applicant has good professional character;
- (iv) that the applicant is experienced at the bar;
- (v) how long and under what circumstances the sponsor has known the applicant's professional character and experience as an attorney; and
- (vi) that the sponsor knows of no fact which would call into question the integrity or character of the applicant.

**(D) Fee.** A non-refundable \$150 fee, payable to "Clerk, U.S. District Court," must accompany the application for admission.

**(E) Verification.** The clerk will examine the application and affidavits and, if found to be in compliance with this Rule, the application for admission will be presented to the court at a time and place selected by the clerk.

**(F) Oath.** When a hearing is held on an application, a member of the Bar of this district shall move the admission of the applicant. The applicant must take an oath in open court to support the Constitution and laws of the United States of America, and to discharge faithfully the duties of an attorney according to the law and the recognized standards of ethics of the profession.

**(3) Certificate.** If the application for admission is granted by the court, the attorney will receive by mail a formal certificate of admission and a letter containing the attorney's federal bar number.

**(4) Duty to Notify.** Any attorney admitted to the bar of this court must promptly disclose to the court any discipline imposed by any other court of the United States, by a court of any state, territory, or commonwealth of the United States, or by a bar of any jurisdiction.

**(b) Admission of Attorneys *Pro Hac Vice*.**

**(1) Application for Admission.** Subject to subsection (2), an attorney who is a member in good standing of the Bar of any federal court, or of the highest court of any state, may apply for *pro hac vice* admission.

**(2) Procedure.** An attorney seeking *pro hac vice* admission to this court who satisfies the above requirements must comply with the following procedure:

**(A) Motion.** A member in good standing of the Bar of this court who is actively associated with the attorney seeking *pro hac vice* admission must file a motion making the request.

**(B) Supporting Affidavit.** The attorney seeking admission must attach to the motion an affidavit containing the following information:

- (i) the proposed visiting attorney's office address, telephone number, fax number, and e-mail address;
- (ii) the bar of each court the attorney is and has ever been a member, and his or her corresponding bar identification number(s);
- (iii) the attorney has no pending disciplinary complaints as to which a finding has been made that the complaint should proceed to a hearing;
- (iv) the attorney has not been denied admission to, been disciplined by, resigned from, surrendered his or her licence to practice before, or withdrawn an application for admission to practice before this court or any other court, while facing a disciplinary complaint; or, if the visiting attorney cannot so state, then the visiting attorney must describe in full the circumstances of any complaint, denial, discipline, resignation, surrender, or withdrawal, including the reasons therefor, any penalty, sanction or other discipline imposed, whether the discipline was satisfied, and whether the attorney is currently in good standing in the relevant jurisdiction(s);
- (v) the attorney has fully reviewed and is familiar with the Federal Rules of Civil and Criminal Procedure, the Local Rules of The United States District Court for the District of Vermont, and the Vermont Rules of Professional Conduct; and
- (vi) designating the sponsoring attorney as his or her agent for service of process and the District of Vermont as the forum for the resolution of any dispute arising out of said attorney's admission.

**(C) Fee.** A non-refundable \$150 fee, payable to "Clerk, U.S. District Court," must accompany the motion for *pro hac vice* admission.

**(D) Certificate of Good Standing.** A certificate of good standing from the court of the state in which the attorney has his or her primary office must be included with the motion.

**(3) Revocation.** The court may revoke a *pro hac vice* admission for good cause at any time without a hearing.

**(4) Required Association with Local Counsel.**

**(A)** An attorney admitted *pro hac vice* must remain associated in the action with a member of the Bar of this court at all times.

**(B)** The local attorney must also sign all filings and attend all court proceedings.

**(C)** The court may waive the provision in (B) for good cause shown.

**(5) *Special Allowance for Original Pleadings.*** An attorney seeking *pro hac vice* admission may file original pleadings, but the time for filing a responsive pleading does not commence until the court receives the associated local attorney's notice of appearance.

**(c) Admission of Attorneys for the United States.** An attorney employed by an agency of the United States Government ~~who does not qualify for admission under subsection (a)(1)~~ may be admitted to practice in this court if:

- (1)** the United States Attorney for the District of Vermont files a motion;
- (2)** the attorney takes the proper oath;
- (3)** the attorney is admitted to practice before a United States district court;
- (4)** the attorney's professional character is good; and
- (5)** the attorney is not subject to any pending disciplinary proceedings.

**(d) Fee Waived for Attorneys for the United States.** An attorney employed by an agency of the United States Government applying to practice before this court under section (a), (b), or (c) will be admitted without payment of an application fee.

**(e) Law Student Internship and Law Clerk Practice.**

**(1) *Requirements to Appear.*** An eligible law student or law clerk may appear on behalf of a party if the student or law clerk:

- (A)** registers as an intern under the requirements of the Rules of Admission to the Bar of the Vermont Supreme Court;
- (B)** is supervised by a member of the bar of this court; and
- (C)** has the party's written consent.

**(2) *Law Student Eligibility.*** A law student is eligible to appear if the student:

- (A)** is enrolled in good standing in a law school approved by the American Bar Association;
- (B)** has completed legal studies equivalent to two semesters of credit in a law school approved by the American Bar Association; and
- (C)** is not employed or compensated by a client. This rule does not prevent an attorney, legal aid bureau, law school, public defender, or other agency from compensating a law student.

**(3) *Law Clerk Eligibility.*** A law clerk is eligible to appear if the clerk:

- (A)** graduated from a law school approved by the American Bar Association and is in the process of completing the clerkship law study requirements of the Rules of Admission to the Bar of the Vermont Supreme Court; or
- (B)** completed legal clerkship and studies amounting to at least three years under the Rules of Admission to the Bar of the Vermont Supreme Court under the supervision of a member in good standing of the Bar of the State of Vermont;
- (C)** is not employed or compensated by a client. This rule does not prevent an attorney, legal aid bureau, law school, public defender, or other agency from compensating a law clerk; and
- (D)** in the case of a law clerk described in part (e)(3)(B), appears only in matters involving Titles 2 and 16 of the Social Security Act as amended.

**(4) *Supervising Attorney.*** The attorney who supervises a law student or law clerk must:

- (A)** be a member of the Bar of this court or of the United States District Court for

the district in which the intern's law school is located;

(B) assume personal professional responsibility for the student's or law clerk's work;

(C) assist the student or law clerk to the extent necessary;

(D) introduce the student or law clerk to the court at the person's first appearance;

(E) appear with the student or law clerk at all subsequent court appearances unless the court waives this requirement;

(F) give written consent to supervise the student or law clerk;

(G) sign any filed document prepared by the student or law clerk; and

(H) notify the court in writing when the student or law clerk's eligibility has terminated under subsection (6).

**(5) *Eligible Duties.*** A law student or law clerk who meets the requirements of this section may:

(A) appear as counsel in court or at other proceedings; and

(B) prepare and sign court filings and other documents in connection with these matters.

**(6) *One Year Limit.*** A law student or law clerk's eligibility to appear under these rules expires:

(A) One year after the law student has graduated from a law school approved by the American Bar Association; or

(B) after the law clerk has pursued four years of legal studies in Vermont under the supervision of a practicing Vermont attorney under Rule 6(g)(1) of the Rules of Admission to the Bar of the Vermont Supreme Court.